

11 San Francisco, California  
Monday, August 5, 2024

13 TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND  
RECORDING 10:45 - 10:57 = 12 MINUTES

## APPEARANCES:

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United States Attorney's  
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20 For Defendant:

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GABRIELA BISCHOF, ESO.

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

1 United States Probation:

2 KEVIN MAYNOR

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1 Monday, August 5, 2024

10:45 a.m.

2 P-R-O-C-E-E-D-I-N-G-S

3 --oo--

4 THE CLERK: We are now calling criminal matter 21-  
5 CR-00463, U.S.A. v. Collins.

6 Counsel, please state your appearances for the record,  
7 beginning with the Government.

8 MS. CHEN: Good morning, your Honor. Christine  
9 Chen for the United States.

10 THE COURT: Good morning.

11 MS. BISCHOF: And, good morning, your Honor.  
12 Gabriela Bischof specially appearing today with the Federal  
13 Defenders Office.

14 MR. MAYNOR: Good morning, your Honor. Kevin  
15 Maynor with U.S. Probation.

16 THE COURT: So, Mr. Collins, you're here this  
17 morning because the probation office has accused you of  
18 violating certain terms of your supervised release, so we're  
19 holding an initial appearance. We'll make sure that you're  
20 advised of the charges against you and of your rights.

21 THE DEFENDANT: (Indiscernible).

22 THE COURT: Well, you should ask your  
23 (indiscernible), first, just so that (indiscernible).

24 THE DEFENDANT: (Indiscernible).

25 MS. BISCHOF: So, this is a fair point. Mr.

1 Collins communicated that he's been in custody for four  
2 weeks and hasn't been brought up for his appearance and he's  
3 wondering why. I wasn't aware of his case until this  
4 morning, so I'm not sure what the answer to that is.

5 THE COURT: I'm not aware that he's been in  
6 custody that long, but -- (indiscernible). Excuse me  
7 (indiscernible). So, it looks like it wasn't set until the  
8 2nd. I received an email from the Marshals on the 1st.

9 THE DEFENDANT: (Indiscernible).

10 THE COURT: I received an email on Friday, October  
11 (indiscernible). Yeah, I'm not sure why you were only  
12 brought here (indiscernible).

13 THE DEFENDANT: Four weeks. So basically they had  
14 four weeks to come up with what they're coming up with. So  
15 I'm just trying to figure out why wasn't I in court.

16 THE COURT: Okay. I'm not sure why there was a --  
17 you know, the amount of time between his arrest on July 7th,  
18 2024.

19 THE DEFENDANT: See, the paperwork is wrong. The  
20 paperwork is wrong. It says July 10th.

21 THE COURT: (Indiscernible) executed --

22 THE DEFENDANT: I was in there July 7th. So why  
23 was it written July 10th?

24 MS. BISCHOF: Because (Indiscernible).

25 THE DEFENDANT: (Indiscernible) four weeks --

1                   THE COURT: You haven't had an appearance  
2 (indiscernible) --

3                   MR. MAYNOR: So I think Mr. Collins was in state  
4 custody for some period. I'm not sure when the state --  
5 like what happened with the state. And then, I'm not sure  
6 when there was an lapse in when the Marshals brought him to  
7 federal court. I don't know the time line.

8                   THE COURT: Well the petition -- you have a state  
9 case pending against you?

10                  MS. BISCHOF: So my understanding is that the  
11 state case was dropped within 72 hours of Mr. Collins'  
12 initial arrest, which was July 7th. So the only thing  
13 holding him in custody would have been the federal hold on  
14 this petition and I think that is an argument that the Court  
15 should take into consideration on Wednesday, when Mr.  
16 Collins has his detention hearing with his attorney.  
17 Unfortunately, our office has a conflict, and so we will be  
18 asking to set the case over for detention hearing and ID of  
19 counsel on Wednesday's -- his prior attorney with the panel,  
20 Scott Sugarman, retired. So he's not able to take the case  
21 back.

22                  THE COURT: Okay. All right. Well, we'll put  
23 this on for Wednesday. I will figure out what happened and  
24 (indiscernible) your attorney (indiscernible).

25                  THE DEFENDANT: Will she be my attorney? You're

1 not appointed as my attorney?

2 MS. BISCHOF: No.

3 THE COURT: Well, Federal Defenders has a  
4 conflict, so their offices aren't able to represent you. So  
5 we're going to wait on Wednesday for an attorney on CJA.

6 So, let's set that date. I don't know if it's possible  
7 to have this heard tomorrow.

8 MS. BISCHOF: I don't know that we can get someone  
9 and have them available to interview Mr. Collins to get all  
10 of the information they're going to need for -- for the  
11 detention hearing argument by then.

12 THE COURT: All right. So there's no appointment  
13 of counsel, but can we proceed with giving him the initial  
14 appearance?

15 MS. BISCHOF: Yes.

16 THE COURT: Okay. So, Mr. Collins, do you  
17 understand the posture of your case at this point,  
18 (indiscernible) officer charged in a petition, we call it a  
19 Form 12, and the probation office has asked for the hearing  
20 to determine whether your supervised release should be  
21 revoked. And if the Court finds that you violated terms of  
22 your supervised release, your probation may be revoked.  
23 This could lead to a new sentence or supervision could be  
24 modified or extended, or new conditions could be imposed.

25 (Indiscernible), please state your true name.

1                   THE DEFENDANT: Albert Burnell Collins, Jr.

2                   THE COURT: Okay. And what's your age?

3                   THE DEFENDANT: I'm 28, August 14, 1995. I  
4 believe they have it as 1994.

5                   MS. BISCHOF: He's saying that he thinks that the  
6 birth date that he's been charged under is off by the year.

7                   THE COURT: Okay. We'll check that indication and  
8 make sure the information is corrected.

9                   You have the right to remain silent. This means you're  
10 not required to say anything. If you make a statement, you  
11 do not need to say anything more. If you start to make a  
12 statement, you may stop at anytime. Anything you say can  
13 used against you.

14                  You have the right to an attorney. You have the right  
15 to be represented at all stages of the proceedings in and  
16 out of court, including during questioning by  
17 (indiscernible). If you cannot obtain an attorney, one may  
18 be appointed for you without cost, if you cannot afford one.

19                  So, we're going to get counsel. You know, right now  
20 you just have provisional counsel and support just for  
21 today, but we'll get you to formal appointment of counsel on  
22 Wednesday.

23                  So I'll ask the Government, Ms. Chen, to summarize the  
24 charges and so that we can (indiscernible).

25                  MS. CHEN: Of course, your Honor. (Indiscernible)

1 charges Mr. Collins with one charge, one violation, that he  
2 violated the mandatory condition that you shall not commit  
3 another federal, state or local crime. Specifically,  
4 California Penal Section 273.5, infliction of corporal  
5 injury to a spouse or cohabitant.

6 On July 7th, 2024, Oakland police officers responded to  
7 a report of domestic violence. The victim reported that on  
8 June 27th, 2024, Mr. Collins physically assaulted her, after  
9 which she lost consciousness during the incident. She  
10 received medical care and had two broken noses (sic) on her  
11 face. Mr. Collins denied any wrongdoing and during the  
12 interaction with the police, he became upset and yelled  
13 obscenities and threatened the officers.

14 The next penalties are two years in custody and then  
15 three years of supervised release, less any custody imposed  
16 upon revocation. And probation (Indiscernible) the rest.

17 THE DEFENDANT: (Indiscernible).

18 MS. BISCHOF: Mr. Collins, today is not the day  
19 for --

20 THE COURT: I understand that you want to speak  
21 out and you may have some strong reactions to that --

22 THE DEFENDANT: I just want to say something. I  
23 want to say that --

24 MS. BISCHOF: No.

25 THE COURT: It would be in your best interest to

1 follow your attorney's advice.

2 THE DEFENDANT: But it's not about this, it's  
3 about the probation (indiscernible).

4 MS. BISCHOF: And we'll (indiscernible). Today is  
5 not about (indiscernible).

6 THE DEFENDANT: (Indiscernible).

7 THE COURT: Do you understand the nature of the  
8 charges against you?

9 THE DEFENDANT: Yep, I guess.

10 THE COURT: Okay. You have the right to have a  
11 hearing on these charges. You can contest them. That  
12 hearing is called a revocation hearing. The probation  
13 office or the government would have the burden to satisfy  
14 that you violated the terms of your supervised release.

15 You're also entitled to disclosure of the evidence  
16 against you. You'd have an opportunity to appear, present  
17 evidence, testify or not, and you may be permitted to  
18 question any adverse government witnesses.

19 Do you understand your right to a revocation hearing?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. It's also possible that the  
22 government will seek to detain you. We are going to have a  
23 hearing on Wednesday in response to the request that you  
24 (indiscernible) while you await your revocation hearing.

25 Given that you're in custody, you could also seek a

1 preliminary hearing to determine whether or not there's  
2 probable cause to even hold you for a revocation hearing.  
3 At that preliminary hearing, the government must present  
4 probable cause that you violated the terms of your  
5 supervised release.

6 So, do you understand your right to a preliminary  
7 hearing as well?

8 THE DEFENDANT: Yes.

9 THE COURT: Thank you.

10 Now, I'm going to order the probation office to turn  
11 over discovery, although we don't have counsel appointed  
12 just yet, so -- but when counsel is recommended on  
13 Wednesday, you'll be obligated to turn over discovery  
14 immediately.

15 MR. MAYNOR: Yes, your Honor.

16 THE COURT: Okay. Is there anything else  
17 (indiscernible) Defense?

18 MS. BISCHOF: Not today, your Honor. Thank you.

19 THE COURT: For prosecution?

20 MS. CHEN: Nothing. Thank you.

21 THE COURT: Okay. Thank you.

22 So, Mr. Collins is remanded to custody, and, sir, I'm  
23 going to look into what happened, as far as the date of your  
24 arrest and your appearance.

25

1 THE DEFENDANT: Thank you.

2 MS. BISCHOF: Thank you, your Honor.

3 MR. MAYNOR: Thank you, your Honor.

4 (Proceedings adjourned at 10:57 a.m.)

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CERTIFICATE OF TRANSCRIBER

3 I certify that the foregoing is a true and correct  
4 transcript, to the best of my ability, of the above pages of  
5 the official electronic sound recording provided to me by  
6 the U.S. District Court, Northern District of California, of  
7 the proceedings taken on the date and time previously stated  
8 in the above matter.

9 I further certify that I am neither counsel for,  
10 related to, nor employed by any of the parties to the action  
11 in which this hearing was taken; and, further, that I am not  
12 financially nor otherwise interested in the outcome of the  
13 action.

Taagangie

Echo Reporting, Inc., Transcriber

Sunday, September 15, 2024